

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION  
(PCT Rule 66)

		Date of mailing (day/month/year) 24.11.2004
Applicant's or agent's file reference 6395-67118		<b>REPLY DUE</b> within 1 month(s) from the above date of mailing
International application No. PCT/US 03/33506	International filing date (day/month/year) 22.10.2003	Priority date (day/month/year) 24.10.2002
International Patent Classification (IPC) or both national classification and IPC G01M3/20		
<p>Applicant THE GOVERNMENT OF THE UNITED STATES OF AMERICA ...</p> <span style="float: right;"><del>PREVIOUSLY DOCKETED</del> <i>12/24/04</i></span>		

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I  Basis of the opinion
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 24.02.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Dietrich, A Formalities officer (incl. extension of time limits) Geier, A Telephone No. +49 30 25901-706
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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-16 as originally filed

**Claims, Numbers**

1-26 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-6,8-12,18
Inventive step (IS)	Claims	7,13-17,19-26
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

1.- Reference is made to the following documents:

D1: WO A2 02/063 294

D2: US A 2 996 661

2.- The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,12,18 is not new in the sense of Article 33(2) PCT.

2.1.- The document D1 discloses (the references in parentheses applying to this document):

A method for leak testing (see page1, lines12-22) the ventilation system of an environmental enclosure (see page4, lines 20-29), the method comprising: inducing air surrounding the enclosure to flow through the ventilation system (see page11, lines 11-21) and into the enclosure to establish positive pressure in the enclosure; filtering a tracer gas (see page11, lines22-29) from the air flowing into the enclosure with a gas filter (341, Fig.1) positioned in the ventilation system, the tracer gas comprising a gas naturally present in the air surrounding the enclosure; and detecting for the presence of the tracer gas inside the enclosure (see page11, line25).

The subject-matter of claims 1 is not new in the sense of Article 33(2) PCT.

2.2.- The document D2 discloses (the references in parentheses applying to this document):

A method for leak testing the ventilation system of an environmental enclosure(see claim1), the method comprising: placing a filter (1) in the ventilation system (2,3,5,6) for filtering a tracer gas (see column2, lines55-64) from the air flowing through the filter(1), the tracer gas comprising a gas naturally present in the air surrounding the enclosure (3); inducing air outside of the enclosure to flow through the ventilation system and into the enclosure so as to establish positive pressure inside the enclosure; measuring the concentration of tracer gas inside the enclosure; and detecting for the presence of leaks in the ventilation system from the concentration of the tracer gas inside the enclosure(see column1, lines54-70 & claim1).

The subject-matter of claims 12 is not new in the sense of Article 33(2) PCT.

2.3.- The document D2 discloses (the references in parentheses applying to this document):

A system for leak testing the ventilation system of an environmental enclosure used in a polluted atmosphere(see column2, lines30-34,55-70), the system comprising: a gas filter (1) configured to fit in the ventilation system (2-6) of the enclosure (3) and capable of filtering a tracer gas from air flowing through the filter(1), the tracer gas comprising a gas naturally present in the air (like halogen, see column3, lines70-71) surrounding the enclosure (3); and a gas detector (4) for detecting the presence of the tracer gas inside the enclosure (3).

The subject-matter of claims 18 is not new in the sense of Article 33(2) PCT.

2.4.- Dependent claims 2-11, 13-17, 19-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step:

2.4.1.- The additional features of claims 2-6, 8-11, are well known from document D1 and the corresponding passages cited in the search report.

2.4.2.- The additional features of claims 7,13-17,19-27 appear to be within the general knowledge(see documents cited in search report).